

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

BANK JULIUS BAER & CO. LTD.,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 11-02922 (CGM)

**ORDER DENYING BANK JULIUS BAER & CO. LTD.'S  
MOTION TO DISMISS THE AMENDED COMPLAINT**

The motion to dismiss the Amended Complaint under Bankruptcy Rule 7012 and Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6) (the “Motion”) filed by Bank Julius Baer & Co. Ltd. (“Defendant”) came on for hearing before the Court on November 30, 2022 (the “Hearing”). The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, the Amended Complaint, and the statements of counsel at the Hearing, and the Court has issued a

memorandum decision, dated December 15, 2022, regarding the Motion (the “Decision”). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Amended Complaint is denied.
2. The deadline for Defendant to file an answer to the Amended Complaint is February 17, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: December 28, 2022**  
**Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

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**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**